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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,275	04/01/2004	Dale Barron	MUELL40	8376

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/815,275

Applicant(s)

BARRON ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/1/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,13 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) filed 9/2/2004 is being considered by the examiner.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The declaration or application data sheet does not acknowledge the filing of provisional application 60/459,853. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sealing member comprising a pair of O-rings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

The disclosure recites, "complementary surface 48" and "plurality of gripping members or teeth (42, 44, 46, and 48)"; however, both statements cannot be correct.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-9, 12, 14-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5803513, Richardson.

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In regards to claim 1, Richardson discloses a pipe coupling device comprising:

a sleeve (42) having an end adapted for receiving a pipe, the end of the sleeve having a sealing cavity defined between the outer surface of the pipe and the interior surface of the end;

a sealing gasket adapted for arrangement within the sealing cavity of the sleeve for compression into sealing engagement with the pipe;

a gripper ring (50) adapted for encircling the pipe, the gripper ring having a radial inner surface having a plurality of gripping members for gripping the pipe upon coaxial compression of the gripper ring;

an intermediate ring (54) adapted for encircling the pipe between the sealing gasket and the gripper ring, the intermediate ring having a restraining member (90) adapted for restraining the gripper ring to prevent the gripping members of the gripper ring from gripping the pipe until after the sealing gasket is compressed into sealing engagement with the pipe;

a locking ring (48) adapted for communication with the gripper ring; and

at least two tightening members (68, 66) adapted for connecting the sleeve and the locking ring to compressibly secure the gripper ring, the intermediate ring, and the sealing gasket to the pipe, such that upon the tightening of the tightening members the sealing gasket is compressed into sealing engagement followed by the gripping of the pipe by the gripper ring.

In regards to claim 3, Richardson discloses the gripping members comprising inwardly extending teeth members.

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In regards to claim 4, Richardson discloses the teeth members extending radially inwardly to different heights.

In regards to claim 5, Richardson discloses the sleeve further comprising a flange having at least two bore holes defining apertures for receiving the fastener members.

In regards to claim 6, Richardson discloses the locking ring including at least two bore holes defining apertures for receiving the fastener members.

In regards to claim 7, Richardson discloses the fastening members comprising bolts and nuts.

In regards to claim 8, Richardson discloses the locking ring having a radial inner slanted surface which surrounds and abuts the gripper ring.

In regards to claim 9, Richardson discloses the gripper ring having a radial exterior surface, a portion of which is complementary to the radial inner slanted surface of the locking ring.

In regards to claim 12, Richardson discloses a pipe coupling device comprising:  
a sleeve having an enlarged end, the enlarged end having a first internal diameter and a slanting wall leading to a smaller second internal diameter adapted for receiving a pipe, wherein a sealing cavity is defined between the outer surface of the pipe and the first internal diameter of the enlarged end;

a compressible sealing gasket adapted for arrangement within the sealing cavity of the sleeve for compression into sealing engagement with the pipe;

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a gripper ring adapted for encircling the pipe, the gripper ring having a radial inner gripping surface with a predetermined inner diameter and a longitudinally extending slot to accommodate the subsequent reduction of the inner diameter of the gripper ring and gripping of the pipe by the gripping surface upon coaxial compression of the gripper ring;

an intermediate ring adapted for encircling the pipe between the compressible sealing gasket and the gripper ring, the intermediate ring having a restraining member adapted for restraining the slot of the gripper ring to prevent the subsequent reduction of the inner diameter of the gripper ring until after the compressible sealing gasket is compressed into sealing engagement with the pipe;

a locking ring adapted for communication with the gripper ring; and

at least two tightening members adapted for connecting the sleeve and the locking ring to compressibly secure the gripper ring, the intermediate ring, and the sealing gasket to the pipe, such that upon the tightening of the tightening members the compressible sealing gasket is compressed into sealing engagement followed by the gripping of the pipe by the gripper ring.

In regards to claim 14, Richardson discloses the gripping surface comprising a plurality of gripping teeth extending radially inwardly.

In regards to claim 15, Richardson discloses the plurality of teeth extending to different heights.

In regards to claim 16, Richardson discloses the fastening members comprising bolts and nuts.

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In regards to claim 17, Richardson discloses a restraining assembly for a compression type pipe coupling, the pipe coupling having a sleeve adapted for receiving a pipe, a sealing gasket adapted for arrangement within the sleeve for compression into sealing engagement with the pipe, a gripper ring adapted for encircling and gripping the pipe upon coaxial compression of the gripper ring, a locking ring adapted for communication with the gripper ring, and at least two tightening members adapted for connecting the sleeve and the locking ring to compressibly secure the gripper ring and the sealing gasket to the pipe, wherein the restraining assembly comprises:

an intermediate ring adapted for encircling the pipe between the sealing gasket and the gripper ring;

a restraining member carried by the intermediate ring, the restraining member adapted for restraining the gripper ring to prevent the gripper ring from gripping the pipe until after the sealing gasket is compressed into sealing engagement with the pipe;

wherein upon the tightening of the tightening members the sealing gasket is compressed into sealing engagement followed by the gripping of the pipe by the gripper ring.

In regards to claim 19, Richardson discloses the intermediate ring and the restraining member being one integral member.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson.

In regards to claim 10, Richardson discloses the claimed invention except for the sealing gasket having a cross sectional shape of a filled figure eight. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the sealing gasket with a cross sectional shape of a filled figure eight, since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of US patent 6371531, Robison.

In regards to claim 11, Richardson discloses the claimed invention except for the sealing gasket comprising a pair of O-rings. Robison teaches a sealing gasket comprising a pair of O-rings (22, 24) provided for sealing between the coupling body and the pipe (col. 2, lines 65-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a sealing gasket with a

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pair of O-rings which provided for sealing between the coupling body and the pipe, as taught by Robison.

***Allowable Subject Matter***

Claims 2, 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody  
Examiner  
Art Unit 3679

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